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Paper No. 8

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Technology Center 2100

In re Application of:)	DECISION ON PETITION
Haim Zvi Melman)	UNDER 37 C.F.R. § 1.8 TO
Application No. 09/492,863)	ACCEPT PAPERS AS TIMELY
Filed: January 27, 2000)	FILED AND UNDER 37 C.F.R. §
For: APPARATUS AND METHOD FOR)	1.181 TO WITHDRAW HOLDING
RETRIEVAL OF DOCUMENTS)	OF ABANDONMENT

This is a decision on the Request for Reconsideration (filed December 23, 2002), filed in response to the decision (mailed November 7, 2002) Dismissing Applicant's petition under 37 C.F.R. § 1.8(b) to accept papers as timely filed and under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed January 31, 2002. A Notice of Abandonment was mailed September 25, 2002.

In support of the petition, Petitioner provides a statement attesting on a personal basis to the previous facsimile transmission on 3 April 2002 and (2) recounts a conversation with Mrs. Lesley Wong confirming that the USPTO had received the transmission.

A search of the computer facsimile records reflected the receipt on 3 April 2002 but was not matched with the file before the mailing of the Notice of Abandonment. Therefore, the record is clear that the application was *not abandoned in fact* and a Notice of Abandonment should not have been issued. An official copy of the facsimile transmission has been printed and has now been matched to the file.

Accordingly, the petition is **GRANTED**. The Notice of Abandonment is withdrawn.

The application file is being forwarded to the Technology Center support staff for processing of the response. The file will then be forwarded to the Examiner for appropriate action.

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